

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
NOVEMBER 18, 2015**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at the Earl Bennett Building, Conference Rooms A and B, 1035 1st Ave W, Kalispell, Montana. Board members present were Marie Hickey-AuClaire, Tim Calaway, Kevin Lake, Ron Schlegel, Jim Heim, Jeff Larsen, Mike Horn and Greg Stevens. Dean Sirucek had excused absences. Mark Mussman and Erik Mack represented the Flathead County Planning & Zoning Office.

There were 3 people in the audience.

**APPROVAL OF
MINUTES
6:01 pm**

Stevens made a motion, seconded by Larsen to approve the September 23, 2015 special meeting and October 14, 2015 meeting minutes.

**SECONDARY
MOTION TO
(Amend the
9/23/15 Minutes,
page 17, 9th line
to read)**

Heim made a motion seconded by Stevens to amend the September 23, 2015 minutes, page 17, line 9 to read:

A summary was individual septic systems were not the cause of the lake's pollution level.

**ROLL CALL
VOTE TO
APPROVE
MINUTES**

On a roll call vote the motion passed unanimously.

**PUBLIC
COMMENT
(not related to
agenda items)
6:04 pm**

None.

**MILL CREEK
PH 1-11
(FZTA-PUD-15-03)
6:04 pm**

A request by Michael Fraser, on behalf of Bigfork Landing II LLC., Calaway Construction Inc. and Calaway Brothers LLC for a zoning text amendment for the Mill Creek Phase I and II Planned Unit Development (PUD). The applicant is requesting the proposed amendment because the language precludes combining Phase II dwelling lots into either attached dwelling lots or detached single family lots. Language is proposed which would allow Phase II attached dwelling lots to be combined into larger

attached or detached dwelling lots. Common area features encroach into several lots. The proposed text amendment would allow these lots to be moved to eliminate the encroachment.

Calaway recused himself from hearing the application.

STAFF REPORT Mack reviewed Staff Report FZTA-PUD-15-03 for the Board.

**BOARD
QUESTIONS** None.

**APPLICANT
PRESENTATION** Mike Fraser represented the applicants. He gave a history of the original Planned Unit Development (PUD). Triplexes, duplexes and single family lots were denoted on the PUD. The current language did not allow changing triplex lots into duplex lots. This was what the amendment would remedy. The market conditions at this time were fairly strong for duplexes, not for triplexes. They were not planning to combine the lots at this time, but they would have that freedom as sales came up. They also had 5,500 square foot cottage type lots which were not a part of the PUD, but they were included in the subdivision. Now they were amending the PUD to recognize what had been subdivided on the ground as well as providing the ability to take a triplex lot and aggregate it into a duplex lot. It did not increase the size of what could be built on a lot and didn't affect the covenants. The only other thing which was provided in the amendment was to allow the applicants to shift the lots, which had been rendered unbuildable by landscaping, to provide a suitable building area as long as the area of the common ground didn't change. He was available for questions.

**BOARD
QUESTIONS** Heim and Fraser discussed if the application had anything to do with the previous plan for a clubhouse.

Stevens and Fraser discussed the Bigfork Water and Sewer services comment concerning extra water and sewer services and Bigfork Water and Sewer would like to see them abandoned.

Fraser said there were services in place for all the lots and when the time came lots needed to be changed from triplex to duplex lots the third water and sewer line would be removed.

Larsen and Fraser discussed why the services had to be excavated, if the roads needed to be disturbed and where the mains were located.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Hickey AuClaire confirmed the board had adequate time to review the written comment.

LeeAnn Stanton, 205 Log Yard Court, had a concern about digging up a main road to disconnect a water or sewer main when a duplex lot was changed to a single dwelling lot. The change from a triplex to duplex lot would not affect the main road, only driveways.

Larsen agreed with Stanton and clarified the structure of the road.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZTA-PUD-15-03)**

Stevens made a motion seconded by Lake to adopt staff report FZTA-PUD-15-03 as findings-of-fact.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
ADOPT F.O.F.
(FZTA-PUD-15-03)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FZTA-PUD-15-03)**

Stevens made a motion seconded by Horn to adopt Staff Report FZTA-PUD-15-03 and recommend approval to the Board of County Commissioners.

BOARD

Larsen suggested the applicant talk to the Bigfork Water and

DISCUSSION

Sewer District concerning digging up the road to disconnect service. Common sense needed to be used.

Fraser agreed.

Larsen said there was more potential for damage with the disturbance of the road. It was not necessary to dig back to the main line.

Fraser said there were three duplexes which were affected and the market was pretty strong for duplexes. He thought the possibility of a duplex being combined was low. If it did come to combining a duplex lot, they would push on that issue. They did not want to disturb the road.

Larsen and Fraser briefly discussed the problems with disturbing a road.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZTA-PUD-15-03)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Hickey-AuClaire explained the process the application would follow from this point on.

OLD BUSINESS

Mussman reviewed his brief last meeting to the board concerning the update of the Growth Policy, Floodplain Regulations and Lakeshore Regulations. He said there was a statement in the Growth Policy which said it should be addressed every five years. It was now approximately three and a half years since the last update. The 2007 update was brought on by growth and the revisions were brought on by the opposite. Since 2012, the county had been going along steadily. There was not a lot which had changed in the county since 2012 in terms of demographics and development trends and there wasn't any significant environmental event. However, the most significant thing which had happened since 2012 was the unemployment rate which had drastically fallen to under five percent. In his opinion, there was not much which could be done about that in the growth policy. Having a low unemployment rate was a good trend to have. He did notice there were a lot of implementation strategies which were outlined in the 2012 growth policy that had yet to be achieved. He said what had been accomplished was the Evergreen Enterprise Overlay. There were other issues in the

zoning regulations that could be addressed which would further the growth policy goals and policies. It was not too far away when the time would be to outline the 2017 work plan. That issue could be placed on next fiscal year's work plan. He did not suggest any major overhaul on the zoning regulations. He would lay out some strategies from this point on by the first of the year. The board could consider the strategies and discuss at a later meeting. He passed out to the board a letter the office had received from DNRC concerning the need to update the floodplain regulations. The county was given a year to revise the county floodplain regulations to better meet the state model. His first concern was adopting the maps and that had been accomplished. Revising the floodplain regulations was the next step. The state had given them a timeframe to update. They did not want to put in jeopardy the county's participation in the National Flood Insurance Program. Concerning the lakeshore regulations, the office was in the process of reviewing previously submitted comment which compared the differences between the Whitefish Lakeshore Regulations and the county lakeshore regulations. There were differences between the two, one of which included the number of lakes covered. There were some things in the regulations which needed to be taken care of and he gave some examples. He said if the board wanted to schedule a workshop around the first of the year, staff should be able to have the information to them for discussion. He felt these were incremental changes which would make the floodplain regulations and lakeshore regulations both more user friendly and more effective and efficient to implement. If they had other issues they wanted to put on the work plan for fiscal year 2017 please let him know. If they wanted to go with the zoning regulations, that project might take up a quite a bit of time. It could be the only thing on the plan, but it would be nice to have a couple of items on the plan.

Larsen and Valade discussed how many letters of interest had been received for the openings on the board come January 1, 2016.

The board and Calaway discussed at length his history on various boards for the county and the pros and cons of his submitting a letter of interest to continue to serve on the board.

The board thanked Calaway for his service on the board.

The board discussed the benefit of scheduling workshops after

meetings instead of a separate day and having various experienced people on the board.

Stevens referred to the unemployment rate and said he had always been a proponent of affordable housing in the valley. He said he had seen how government regulations affected affordable housing and the more regulations which were in place, the more it affected affordability of housing. It had been of some importance to him to keep the plans and regulations from making housing any more unaffordable for working people than they had to. He asked Mussman if the approval they had been granted on the floodplain regulations was conditional.

Mussman said the state approved the regulations with the stipulations that they be updated within a year. The letter was written almost at the last of the process of adopting the new floodplain maps.

The board and Mussman discussed if the approval was conditional when it was first approved and what would happen if the regulations were not updated in the specified time.

Schlegel had a hard time with the federal government dictating to the state and the state then dictating to the counties. It had been proven the map they had given the county was incorrect because there was an engineer in the county who was helping clients with amendments to the map to make it correct for their property. He had a hard time going along with any of what was happening. The board could go ahead and amend the floodplain regulations to mirror more effectively with the state regulations, the state could change things again and they could still be in non-compliance. He was voicing his opinion. He did not like this.

Mussman said he had gotten that impression. There was nothing he could do or argument he could make which could make Schlegel like it. He would not try. He explained the history of the program, what could have been done at the beginning to avoid current issues and what the goal was concerning the regulations.

Schlegel did not disagree with what Mussman said. He disagreed with the federal government causing the problems in Evergreen and now the people in Evergreen had to pay the high end insurance rate because it was another federal government

gone awry. It was not right to the people of Evergreen.

Mussman said with experience in several other places administering flood damage prevention ordinances, the state model had its shortcomings as well. He explained the benefits of adopting the state model in so far as being in compliance with what they expected.

Schlegel said the state would always be looking over the county's shoulder.

Mussman agreed. He did not see a way to prevent that from happening and still be in good standing with the National Flood Insurance Program. The end goal was to stay in good standing with the flood insurance program.

Stevens said he did not have the understanding that the approval was a conditional approval and by October 22, 2016 they needed to have addressed the mentioned deficiencies.

Mussman and the board discussed the state letter, elevations in the Evergreen area and what the flood insurance covered. They also discussed the purpose and the focus of the floodplain regulations.

NEW BUSINESS None.

ADJOURNMENT The meeting was adjourned at approximately 7:00 pm. on a motion by Schlegel. The next meeting will be held at 6:00 p.m. on December 9, 2015.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 12 / 9 / 15*